6:Ireland S-5 (no date)1937 MHl Iraq MHl

175* 727 692 Frontier Crimes Regulation and was promulgated in February, 1916. It gave authority to the Political Officers to invoke a tribal *majlis* or other arbitrating body to deal, in accordance with tribal custom, with all cases in which any of the parties concerned was a tribesman.[1]

In all arbitration procedure, the Political Officer had the final word, although the Chief Political Officer might review the case. The Political Officer had to confirm the findings of the *majlis*, and he might set aside or add to the sentences imposed.[2] He was also invested with magisterial power to try cases which did not lend themselves to the application of tribal arbitration.[3]

The Regulation in its application proved congenial to the tribes, for it enabled them to settle disputes in ways long familiar to themselves. It also aided in tribal settlement and pacification by giving effect to tribal opinion obtained by arbitration, and it raised the importance of the shaikhs by giving them a recognized place in the political and legal system. The Political Officers, on their side, found that considerable work was taken off their shoulders.[4]

175* 727* 628 681 Over one point of tribal justice the views of the tribesmen and of the Political Officers often clashed. In cases of murder arising out of a blood-feud, the tribesmen were accustomed to regard *fasl*[5] or payments of money and usually, of women, as sufficient to settle the score and to end the feud. Imprisonment or capital punishment was thus considered not only harsh but unnecessary. In many cases where a woman violated or had been even accused of violating the desert code of morality, the death of the offender was demanded by the code in the name

[1] *Tribal Criminal and Civil Disputes Regulation*, G.O.C. Proclamation No. 2 of 1916, ch. iii, Sec. 7.

[2] Ibid., Sections 10, 11, 13. [3] Ibid., ch. iv and v.

[4] *Reports of Admin. for 1918 of Divisions and Districts of the Occupied Territories of Mesopotamia* (Calcutta, n.d.): Qurna Report, p. 306 (hereafter *Admin. Report*, 1918).

[5] For valuable first-hand observations on *fasl*: *Monthly Reports of Political Officers of the Occupied Territories, November*, 1919 (hereafter *Monthly Rep'ts*): Nāsiriya, pp. 94-5.

6:Ireland S-5 (no date)1937 MHI Iraq MHI

of honour (*namūs*).[1] Capital punishment for such murders, which were frequent and usually premeditated and brutal, cut across tribal justice. The Political Officers, on their side, found such customs abhorrent and contrary to their ideas of justice.[2] Their natural tendency was to override the decisions of the tribal *majlis* and to impose imprisonment or death penalties. The problem was partially solved by the gradual recognition of the tribal point of view by the British authorities, but the modification of tribal custom has taken longer. At the present, it still constitutes one of the major problems in the administration of the tribal areas of 'Iraq.

The Revenue Department

No single task of greater magnitude faced the British administrators of the Occupied Territories than that of organizing the Revenue Department. The collection and administration of revenue in accordance with the Turkish system but freed from abuse and corruption were not the only problems. Associated problems of land tenure, of revenue assessment, of *Auqāf* administration, in all their strangeness and complexity, had to be studied and solved. Responsibility for other activities, such as Excise and Customs, control of Hostile Trading Concerns, of the Public Debt, and of Education had to be assumed. To render the task more difficult, papers and records where they had not been destroyed, were out of date and, with the exception of land-registration, in confusion, requiring weeks of careful sorting.[3] Responsible officials had fled, and although

[1] See Thomas, Bertram, *Alarms and Excursions in Arabia*, 1931, pp. 86-7.

[2] *Admin. Report*, 1918: Hilla Division, pp. 126, 133; *Monthly Rep'ts, December*, 1919: Qurna Division, p. 59; Ibid., *August*, 1919: Qurna Division, p. 74.

[3] Cf. the excellent unsigned article (by C. C. Garbett, I.C.S.): *Turkish Rule and British Administration in Mesopotamia* in *Quarterly Review*, Vol. ccxxx, pp. 403 ff. The claim made there (p. 411), however, that demand-statements for the annual tax on date trees as prepared by the Turks, were found intact and collection of this as well as other revenue were begun within a few days of the occupation of Basra, is not borne out by the records of the period, as *Revenue Admin. Report, January-March*, 1915 (confidential), nor by personal testimony of the officials on the spot at the time.